



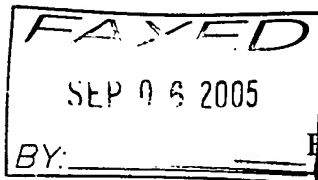
PATENT
P57022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TAE-HO LEE

Serial No.: 10/774,608



Examiner: PATEL, VIP

Filed: 10 February 2004

Art Unit: 2879

For: PLASMA DISPLAY PANEL AND METHOD OF MANUFACTURE
THEREOF

PETITION UNDER 37 C.F.R. §1.181

Paper No. 10

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions from the incomplete first Office action on the merits mailed on 23 August 2005 (Paper No. 0805), as reasons therefor, states that:

**CERTIFICATE OF
FACSIMILE TRANSMISSION**

I hereby certify that, on 6 September 2005,
this correspondence is being facsimile
transmitted to the U.S. Patent & Trademark
Office (Facsimile No. 571-273-8300)

Total 6 sheets

For Robert E. Bushnell
Reg. No. 27,774

Folio: P57022
Date: 9/6/05
I.D.: REB/kf

STATEMENT OF FACTS

1. On 23 August 2005, a first Office action on the merits was issued (Paper No. 0805). In the PTO-892 form attached to Paper No. 0805, one (1) U.S. patent reference, namely De Zwart *et al.*, U.S. Patent No. 6,388,644 was cited.
2. On page 2 of Paper No. 0805, the Examiner rejected claims 1 through 11 under 35 U.S.C. §102 for alleged anticipation by Huang *et al.* U.S. Patent No. 6,525,469.
3. The Huang *et al.* '469 reference is not set forth neither in the PTO-892 form attached to Paper No. 0805 nor the two Information Disclosure Statements filed by Applicants on 10 February 2004 and 2 June 2004.

REMARKS

Huang *et al.* '469 is cited neither in the PTO-892 form attached to the Office action mailed on 23 August 2005 (Paper No. 0805) nor Applicant's Information Disclosure Statements filed on 10 February 2004 and 2 June 2004.

This is to say, Huang *et al.* '469 is not made of official record of the present application and that the Office action mailed on 23 August 2005 (Paper No. 0805) is incomplete under 37 C.F.R. §1.104 (and *Manual of Patent Examining Procedure* §707.05) in that, the claims 1 through 11 of the application were rejected based upon Huang *et al.* '469 which is not made of record in the application.

Although current Office practice is not to provide copies of U.S. patents or U.S. patent publications with Office communications, and even though Examiner did indicate the patent number of the Huang *et al.* '469 reference that was being relied upon in the Office action, the Examiner did not list the Huang *et al.* '469 reference on the citation of art, that is PTO-892, which accompanied the action. It is submitted, therefore, the Office action mailed on 9 mailed on 23 August 2005 (Paper No. 0805) was deficient.

Given that the error was brought to the attention of the Office within one (1) month of the mailing date of the action, in accordance with MPEP §710.06, the time period for response should be reset and restarted with the re-mailing of the Supplemental Notice of references Cited (PTO Form 892).

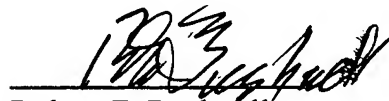
A copy of a Decision on Petition for Serial No. 09/615,652 previously issued by Group Director which granted similar relief requested by Applicant is attached.

RELIEF REQUESTED

In view of the above, the Commissioner is respectfully requested to direct the Examiner to:

- A. Issue a Supplemental PTO-892 form citing the Huang *et al.* '469 reference (the patent number, patent issue date, and the name of the inventor);
- B. Re-start the period for response to expire not less than three (3) months from the date on which the supplemental PTO-892 form citing the Huang *et al.* '469 reference is provided to Applicant by the Examiner; and
- C. Grant such other and further relief as justice may require.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

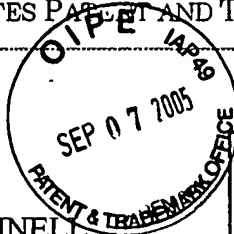
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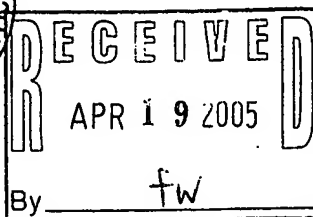


UNITED STATES PATENT AND TRADEMARK OFFICE

F-6063 (7)



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APR 16 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Yang-Yeon Lee
Application No. 09/615,652
Filed: July 13, 2000
For: **METHOD FOR INFORMING A
TRANSMITTING MODULE OF ERROR
OCCURRENCE IN A RECEIVING PART
OF A FACSIMILE**

:
: **DECISION GRANTING PETITION**
: **TO RESET PERIOD FOR REPLY**
:
:

This is a decision on the petition filed on March 31, 2005, requesting that the shortened statutory period for reply set forth in the Office communication mailed on March 22, 2005 be reset and restarted.

Petitioner states that the non-final Office action relied upon a reference, i.e., Hwang (U.S. Pat. No. 5,822,084), but that the Hwang reference was not listed on either an 892 or form 1449 submitted by applicant.

MPEP §710.06 [R-2] Situations When Reply Period Is Reset or Restarted, states in part:

Where the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g) for the manner of correcting the record where there has been an erroneous citation.

37 C.F.R. § 1.104 Nature of examination, states in part:

(a) Examiner's action ...

(2) The applicant, or in the case of a reexamination proceeding, both the patent owner and the requester, will be notified of the examiner's action. The reasons for any adverse action or any objection or requirement will be stated in an Office action and such information or references will be given as may be

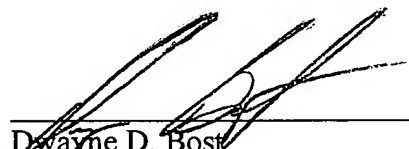
useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution. [emphasis added]

Although current Office practice is not to provide copies of U.S. Patents or U.S. Publications with Office communications, and even though examiner did indicate the Patent No. of the Hwang reference that was being relied upon in the Office action, the examiner did not list the Hwang reference on the citation of art (i.e., form 892) which accompanied the action. Therefore, the Office action mailed March 22, 2005 was deficient.

Accordingly, the petition is **GRANTED**.

Given that the error was brought to the attention of the Office within 1 month of the mail date of the action, in accordance with MPEP §710.06, the time period will be reset and restarted with the re-mailing of the Office action.

The application record will be forwarded to the examiner to complete a supplemental Notice of References Cited, specifically listing the Hwang reference. From there, the application will be forwarded to the Technology Center's technical support staff for remailing the Office action with the supplemental Notice of References Cited prepared by the examiner.



Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications